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June 11, 1968

DEPARTMENT OF LAW LETTER OPINION NO. 68-10-L (R-42)

REQUESTED BY: WALTER J. EDELBLUT, JR., Executive
Secretary - State Board of
Technical Registration

QUESTION: Can the State Board of Technical
Registration require that the name of
a firm or professional corporation
include a registrant from each of the
proficiencies under the jurisdiction
of the Board in which the firm or
corporation practices?

ANSWER: No.

This question is answered on the basis of A.R.S. §32-141
which provides:

"No firm or corporation shall engage in the practice
of architecture, assaying, geology, engineering,
landscape architecture, or land surveying unless the
work is under the full authority and responsible
charge of a registrant, who is also a principal of
the firm or officer of the corporation. The name
of said registrant shall appear whensoever the firm
name is used in the professional practice of the
firm or corporation." (Emphasis Supplied.)

The statute requires that firm or corporate work be done under

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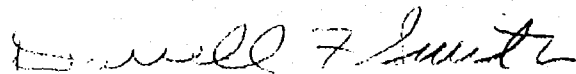
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the direction of an appropriate registrant who must assume responsibility for it. Further, it requires that the registrant be a principal of the firm or officer of the corporation involved. However, this same statute also directs that the registrant's name appear whenever the firm name is used in professional practice. Inescapably implied in this provision of law is the conclusion that the registrant's name, which must appear solely in connection with professional practice, need not be included in the firm or corporate name. Considering the manner in which this statute is worded any ruling that a firm or corporate "principal" includes only one whose name appears in the firm or corporate name, could not be supported.

This opinion is consistent with prior interpretations of A.R.S. §32-141 rendered by this office and should be read in conjunction with them. Of particular relevance are Attorney General Opinion No. 61-101-L discussing the meaning of the phrase "full authority and responsible charge of a registrant" and Attorney General Opinion No. 63-27-L defining "professional practice."

In conclusion, this opinion should not be construed as modifying the ruling contained in Opinion No. 63-27-L that the State Board of Technical Registration may require the name of the registrant responsible for an area of practice to be imprinted on firm or corporate stationery used in connection with that practice.

Respectfully submitted,



DARRELL F. SMITH
The Attorney General

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